

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

EON CORP. IP HOLDINGS, LLC,

v.

**VERIZON CLINTON CENTER DRIVE
CORP., et al.,**

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NO. 6:08-cv-385

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

Before the Court is Plaintiff EON Corp. IP Holdings, LLC's ("Plaintiff") motion for preliminary injunction (Doc. No. 315). The matter is fully briefed (Doc. Nos. 319, 322). On June 30, 2010, the Court heard argument on these motions (Doc. No. 365). The parties raised the issue of standing in this Court (Doc. Nos. 313, 314). Consistent with its standing arguments in this Court, Defendant Verizon Clinton Center Drive Corp.'s ("Defendant") has filed a declaratory judgment action in the District of Delaware against Plaintiff's parent entity, EON Corporation. Plaintiff's present motion asks the Court to enjoin Defendant from prosecuting its declaratory judgment case. Having ruled on the standing issue, the Court finds granting an injunction inappropriate. The parties may proceed in the District of Delaware and bring to that Court's attention this Court's findings on the issue of standing, but this Court will not interfere with another Court's management of its cases. Accordingly, having considered the parties' submission and argument, the Court **RECOMMENDS** that Defendant's motion be **DENIED**.

Within fourteen (14) days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations contained in the report. A party's failure to file written objections to the findings, conclusions and recommendations contained in this Report within fourteen days after being served with a copy shall bar that party from *de novo* review

by the district judge of those findings, conclusions and recommendations and, except on grounds of plain error, from appellate review of unobjected-to factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United States Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996).

So ORDERED and SIGNED this 2nd day of July, 2010.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE